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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Roger M. Snow                      Examiner:                      Unknown  
Serial No. 09/740,216                      Group Art Unit:                      3713  
Filed:                      December 18, 2000                      Docket No.                      PA0513.ap.US  
Title:                      METHOD OF PLAYING A THREE PART WAGERING GAME

**DECLARATION OF ROGER M. SNOW UNDER 37 C.F.R. 1.132**

Box Amendment  
Assistant Commissioner of Patents  
Washington, DC 20231

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June 2002.

  
Mark A. Litman

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Dear Sir:

This declaration is made by Roger M. Snow, who does state and declare as follows:

- 1) My name is Roger M. Snow. I am the same Roger M. Snow listed as the inventor on U.S. Patent Application Serial No. 09/740,216, filed December 18, 2000, and titled "METHOD OF PLAYING A THREE PART WAGERING GAME" (hereinafter referred to as the Application).
- 2) I have worked in the gaming industry for the last five years, including positions as Casino Administrator for Mirage Resorts from April, 1997 to December, 1999 and for Park Place Entertainment from December, 1999 to May, 2000.

- 3) My current position is Product Manager Table Games with Shuffle Master Gaming, the owner of the above-identified patent application. I have been employed in this capacity since May, 2000.
- 4) I have read and reviewed the Application and I am familiar with the descriptions therein.
- 5) I have reviewed the Office Action mailed February 27, 2002 and have discussed that Office Action with outside patent Counsel, Mark A. Litman, to assist my understanding of the issues.
- 6) I have reviewed U.S. Patent No. 5,988,643 (the Awada Patent) and I am familiar with the descriptions therein. The Awada Patent appears to cover a game known and marketed in the gaming industry as THREE WAY ACTION®. I am familiar with that game for a number of reasons, not the least of which is that my present employer, Shuffle Master Gaming marketed THREE WAY ACTION® to the gaming industry for a period of time between early 1999 (prior to my employment with Shuffle Master Gaming) and February, 2001. From the time I joined the Company until the time we dropped the game, I personally assisted in marketing that game.
- 7) In my working capacity marketing/selling THREE WAY ACTION®, there were some significant factors that inhibited the success of the game. In particular, the game was too slow compared to other games, so the house win was lower than the acceptable minimum win required by casinos.
- 8) The decline of THREE WAY ACTION® that was identified to me by others, was due to the fact that the win was too low.

- 9) I proposed to Shuffle Master Gaming a significant change in the game that eliminated the need to complete a dealer's poker hand, and eliminated the need for each player to arrange his/her hand and select discards. In the newly proposed game, the dealer is responsible for scoring hands in my game. The changes were intended to speed up the play of the game, and increase the house win. That change was to have the poker hand played against a pay table, not against a dealer's hand.
- 10) Based on studies I have personally supervised in the past, the average number of hands per player of THREE WAY ACTION® that were dealt in an hour averaged 28 hands. With the change I made in the play of the game, the number of hands dealt in an hour per person increased to 40. This represents a 43 percent increase in rate of play, and an increase in win for our casino customers. It also allowed us to develop a variety of pay tables to increase or decrease house win, as desired.
- 11) A patent application (the above-identified Application) on the improvement was filed, and the improved game that is the subject of the Application was introduced initially to one casino in California that was already offering THREE WAY ACTION® and to many others in the same state that were not offering the game. That effort resulted in a number of table leases. At that time, we did not yet have approval in the state of Nevada for our game. After review of the method of play of my improved game by Nevada casino operators, they quickly determined that:
- a) The improved game has a much more rapid rate of play then the THREE WAY ACTION® game;

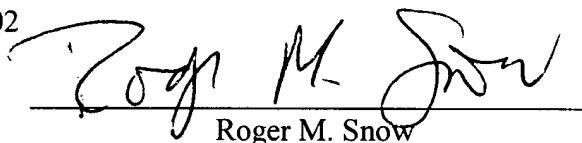
- b) Specifically, casinos realized that the improved game could be played at a rate of about forty (40) games per player hour, while THREE WAY ACTION® was played at a rate of only about 28 games per player per hour.
  - c) Given these numbers, there was more flexibility in the design of the casino win and in the size of the awards that could be given to players, since there was a factored increase of 0.667 in the frequency of play. Therefore it was possible to reduce the per hand expected return to the casino by less than 0.667 yet increase the overall retention by the house, making the game more attractive to players. It was also possible to maintain the per hand expected win and increase the overall win hold by about 0.667, assuming that the statistical percent return to the house remained the same between THREE WAY ACTION® and the improved game.
- 12) A number of casinos in Nevada such as Lady Luck quickly began requesting that THREE WAY ACTION® be replaced by the improved game. However, we did not have regulatory approval for the game at that time. By the time we received regulatory approval for our game in Nevada, the number of THREE WAY ACTION® tables decreased from 15 to about 2.
- 13) Because of the significant advantages of the improved game Shuffle Master Gaming decided to drop marketing THREE WAY ACTION® and market only the improved game.
- 14) In my opinion, due to the single change in the play of the game, with no change in effort in marketing or change in marketing strategy between THREE WAY

ACTION® and the improved game, the improved game has achieved a much higher level of acceptance in the industry, and has either increased house win, increased player win or both, just considering the speed increase in the play of the game.

15) TRIPLE SHOT™ received regulatory approval in Nevada on April 18, 2002. Since that date, we have installed four tables and have additional orders pending. To my knowledge, there are only one or two THREE WAY ACTION® tables installed in the State of Nevada at this time.

**FURTHER DECLARANT SAYETH NOT.**


Declared this 2 day of May 2002

  
Roger M. Snow

Respectfully submitted,

Date: 26 June 2002

By

  
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Registration No. 26,390  
Attorney for Applicant  
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